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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

VIOLENCE AGAINST WOMEN

Letter dated 28 March 2001 from the Permanent Representative of Georgia to the United Nations Office at Geneva addressed to the Chairperson of the Commission on Human Rights

Upon the request of the Government of Georgia, I have the honour to ask you to circulate the attached document "Violence against women in Georgia" during the fifty-seventh session of the Commission on Human Rights under agenda item 12 (a).*

(Signed) Amiran KAVADZE
Ambassador
Permanent Representative

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* Reproduced as received, in English only.

Annex

Violence against Women in Georgia

In accordance with the provisions of the Constitution of Georgia, every human being is equal before the law regardless of, inter alia, his/her sex (Article 14). Marriage is based upon equality of rights and free will of the spouses. The state promotes the prosperity of the family. The rights of mothers and children are protected by the law (Article 36). In general, the constitutional provisions guaranteeing human rights and freedoms are based on the principles of gender equality and non-discrimination. Furthermore, the Georgian legislation, proceeding from the constitutional principles, attaches particular attention to the equality between men and women, in criminal, civil or any other matters. Moreover, the Labor Code provides for measures of special protection concerning women's labor conditions, maternity leave, etc.

According to the Decree of the President of Georgia of August 28, 1999 "on the Measures on Strengthening the Protection of Human Rights of Women" various Governmental bodies have been granted the authorization with the aim of facilitating the implementation of recommendations of the Committee on the Elimination of Discrimination against Women. In particular, the Ministry of Internal Affairs, in collaboration with the Prosecutor's Office, was instructed to collect and process the data regarding each fact of violence against women, as well as to provide the registration of facts of domestic violence and carry out preventive measures for exposing and eliminating such kind of violence.

In the context of the issue in question, it should be emphasized the importance of the Order #64 "On Approval of the Action Plan on Combating Violence against Women (2000-2002)". The present Action Plan provides for the following objectives:

- Improvement of studying of the nature, character and results of violence against women, analysis of exercising legislation against violence;
- Obtaining information on domestic violence, making the information a subject of public discussion. Prevention of domestic violence and decrease of such kind of cases;
- Elaboration of special programs for potential perpetrators;
- Development of legislation, enforcement of laws and court decisions;
- Assistance to victims of violence and their protection;
- Obtaining information on professional violence and making it a subject of public discussions. Studying causes and results, their prevention and decrease;
- Combating ethnic violence, support of victims of ethnic conflicts, deportation, internal displacement or exile;
- Obtaining information on ecological violence (i.e. the alteration of genetic-fund through destruction of living environment and ecological changes, violation of the right to live in harmless environment) and making it a subject of public discussion;
- Obtaining information on cases of violence against girls, coordinating study of causes and results, making them a subject of public discussion, analyzing of exercising of the legislation available in the field of violence against girls;
- Prevention and elimination of trafficking in women for the purpose of sexual exploitation.

The special strategy has been worked out, in order to achieve the objectives listed above. The executors of the Action Plan are to be both legislative and executive bodies, as well as NGOs, trade unions, means of mass media.

In order to carry out the tasks provided for by the presidential Decree the executive bodies concerned are entrusted with submitting annual reports as to their activities to implement the above Decree.

The Ministry of Internal Affairs (MIA) is one of the key executors of the tasks provided for by the Action Plan. Therefore, at first stage, it was considered reasonable to pay particular attention to training of law enforcement officials. The National Security Council of Georgia (namely, Deputy Secretary of the NSC on Human Rights Issues) and NGO "Former political prisoners for human rights" elaborated the joint project entitled: "Seminars at the police stations". This project was financed by Horizonti Foundation, within the framework of the program for co-operation of governmental agencies and NGOs. In the course of realization of the project a number of seminars has been held at 22 police stations throughout Georgia. During the seminars Georgian law enforcement officials have had a good chance to receive appropriate information, e.g. with respect to rights and duties of policemen, new legislation and the rights of individuals, international experience in the field of human rights protection. The participants of the seminars and resource persons were discussing a wide range of relevant issues including, inter alia, those connected with violence against women and gender equality, on the whole. The text of the Presidential Decree on Measures of Strengthening the Protection of Human Rights of Women in Georgia was distributed among policemen.

In 2001 within the framework of the above-mentioned project it is planned to hold such seminars at 18 more police stations.

According to the Ministry of Internal Affairs, special training courses are organized for local police officers to raise awareness in gender-related issues, as well as on matters linked to treatment towards victims of violence, and police conduct in cases of domestic violence. Next year gender and violence-related issues shall be included into MIA Academy curricula.

To facilitate the contacts with women, who become victims of violence, the female police officers deal with such cases. Some statistical data: up to date, 862 female police officers have worked at MIA bodies, including 136 investigators. In 2000 101 women have been hired to MIA bodies as police officers. 27 of them are investigators.

Prevention of crime is a key task assigned to MIA bodies. In this respect particular attention is paid to revealing and preventing the crime connected with domestic conflicts, especially that eventually entail violence against women. Up to date some 4000 domestic conflicts are on records throughout the country; special control files are established, and respective measures are under way to settle the conflicts in question.

Following the preventive steps taken by police in 2000 some 1200 domestic conflicts were resolved, more or less, and further aggravation of situation has been avoided. In this context it should be noted that domestic conflicts are mostly revealed through citizens' complaints received, but very often conflicting parties are reluctant to apply to police, trying to resolve their contradiction by themselves.

During 11 month of 2000 police registered 45 rapes. In each case perpetrators were found and prosecuted. Unfortunately, number of rapes increased by 40 per cent compared with the same period of 1999. Furthermore, in 2000 MIA investigative units have initiated 31 criminal cases in connection with acts of violence against women (15 acts of burglary, 16 bodily injuries).

The new Criminal Code of Georgia that entered into force on July 1, 2000 contains the chapter XXII titled "Crimes against sexual liberty and sexual inviolability of person". This chapter contains several articles relating to corpus delicti associated with rape/sexual assault.

When committing rape, the Criminal Code stipulates the following aggravating circumstances:

- If the crime was committed several times;
- If the crime was committed by a person who had committed crimes against sexual liberty/sexual inviolability before;
- If the crime was committed by a group of individuals;
- If the crime was committed against pregnant woman, or against minor;
- If the crime was committed with particular cruelty towards a victim or other persons;
- If the crime was committed by use of the perpetrator's official position;
- If the crime committed has entailed a victim's death (by negligence);
- If the crime committed has entailed infecting of a victim with AIDS (by negligence), bodily injuries or other grave consequences.

The Criminal Code envisages also the following crimes:

- Coercive actions of sexual nature (i.e. sexual contacts in perverted form by use of violence, threat of violence, or by making use of a victim's helpless state). In this case the aggravating circumstances are the same as in the event of a rape.
- Compulsion to sexual intercourse with exploiting of official dependence of a victim, or under the menace of disclosure of disgracing information about a victim;
- Sexual intercourse or other sexual assault towards a person under 16;
- Lecherous actions towards a person under 16.

The Criminal Code provides for various punishments for the crimes listed above. In particular,

- Rape is punished with imprisonment for 3-7 years, under aggravating circumstances – for 5-20 years;
- Coercive actions of sexual nature are punished with imprisonment for 3-7 years, under aggravating circumstances – for 5-20 years;
- Compulsion to sexual intercourse is punished with fine, or corrective labor up to one year, or imprisonment up to 2 years;
- Sexual intercourse or other sexual assault towards a person under 16 is punished with restriction of liberty up to 3 years, or arrest up to 3 months, or imprisonment up to 3 years;
- Lecherous actions towards a person under 16 are punished with fine, or corrective labor up to one year, or imprisonment up to 2 years.

As to court rules on cases of rape, in conformity with the Criminal Procedure Code, trial in all Georgian courts is open to public, but under certain circumstances the case may be considered

in court sitting completely or partially closed. In particular, by court decision, the case concerning sexual crime may be considered in camera, if parties so request.

The Criminal Code considers as aggravating circumstance any sexual assault towards a child, and envisages more severe sanctions for such crimes.

The criminal legislature of Georgia does not include such crime as sexual harassment. At the same time, women, on the equal footing with men, have unrestricted access to any legal remedies to protect their dignity at workplace or somewhere else, in accordance with the Constitution and the law.

As regards the General Recommendations on Violence against Women adopted by the Committee on the Elimination of Discrimination against Women (eighth and eleventh sessions in 1989 an 1992), it should be advisable to mention once more the Action Plan on Combating Violence against Women. The plan stipulates, inter alia, as follows:

- To increase awareness of society on professional violence (including sexual harassment at work place);
- To work out laws on this form of violence envisaging resolutions of the United Nations, basic human rights instruments and legislation of civilized countries.

The implementation of the above-mentioned tasks is only possible by close co-operation of the state bodies (Ministries of Justice and of Labor, Health and Social Affairs) and the non-governmental institutions (e.g. Public Defender), trade unions, with assistance of the media. In accordance with the Plan, the measures enlisted above are to be carried out from 2000 to 2002.

In conformity with the law in force prostitution as such does not constitute a crime. At the same time, according to the new Criminal Code, the following acts are classified as crimes:
- Inveigling into prostitution through use of violence, threat of violence or of destruction of property, as well as by blackmail or fraud (Article 253);
- Organization and keeping of the den for prostitution (Article 254);
- Inveigling a minor into prostitution or other sexual lechery (Article 171, Paragraph 1).

Various sanctions are imposed for commitment of these crimes: from fine to imprisonment up to 2-5 years.

According to the Ministry of Internal Affairs, in 1999 and first six months of 2000 four criminal cases were initiated on prostitution-related crimes. During the same period law enforcement institutions elicited a few facts when minor girls were inveigled into prostitution. Within the framework of Presidential Program on Social Protection, Professional Training and Prevention of Delinquency in Adolescents (1996-1999), special rehabilitation centers were set up for children in conflict with the law. Minor prostitutes are also sent to these centers where they have the opportunity to get comprehensive education and development.

There is no special statistics in Georgia regarding violence against prostitutes.

In the context of trafficking in women, special Section of the Action Plan on Combating Violence against Women is to be noted. In order to provide prevention and elimination of trafficking in women, to condemn trafficking for the purpose of sexual exploitation as an

infringement of the basic principles of human rights, the following measures are stipulated by the Plan:
- To define trafficking in all its elements and reinforce the sanctions accordingly;
- To collect data on trafficking for the purpose of sexual exploitation, work out programs for protection of its victims;
- To facilitate co-operation among law enforcement, migration, social, legal and administrative bodies for elimination of trafficking in women.

In accordance with the Plan, the measures listed above are to be undertaken by the Ministries of Internal Affairs and the Refugees and Accommodation, as well as, by the Prosecutor's Office of Georgia. The Parliament of Georgia and NGOs also play important role in this matter.

Recently, the NGO "WomenAid-Georgia" (local branch of "WomenAid-International", London) has initiated multi-media anti-trafficking campaign "Be smart/Be safe!» within the framework of which the NGO is going to implement projects aimed at raising awareness in trafficking-related matters both in governmental bodies and in public, arranging information campaigns, etc. The State agencies endeavor to co-operate with "WomenAid-Georgia" in achieving of these goals. Several meetings with participation of various governmental bodies concerned, local and international NGOs have already been held, in order to identify the most important fields of future work.

No practices of such kind as obscene phone calls/telephone sex or female genital mutilation have been known or reported in Georgia.

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